

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
 )  
Amendment of Section 73.202 )  
of the Commission's Rules )  
Table of Allotments )  
For FM Broadcast Stations )  
(Upper Sandusky and Caledonia, OH) )

RM No. \_\_\_\_\_

MM Docket No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of WYNT(FM), Channel 240A, Upper Sandusky, Ohio (Facility ID No. 68681), by its attorneys, hereby respectfully petitions the Commission for modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (a) delete Channel 240A from Upper Sandusky; (b) add Channel 240A to Caledonia, Ohio; and (c) modify the license of WYNT(FM) to specify operations on Channel 240A in Caledonia, Ohio, in lieu of operation on Channel 240A in Upper Sandusky, Ohio (collectively, the "Proposal").

In reviewing a proposed change to the FM Table of Allotments, the Commission considers whether the proposal would serve one or more of the

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Commission's four allotment priorities. 1/ Here, the only two priorities relevant to the Proposal direct its grant.

First, grant of the Proposal would satisfy the third allotment priority by delivering a first local aural transmission service to Caledonia, Ohio.

Commission precedent holds that a census-designated place presumptively merits its own local transmission service. 2/ Caledonia has been designated as a place in both the 1990 and 2000 Censuses. 3/

Caledonia's other characteristics likewise demonstrate that it deserves its own local transmission service. Caledonia has a 1990 Census population of 644 persons. 4/ It has its own mayor and city council, its own post office and zip code (43314), at least seven churches and its own retail establishments. 5/ It also is the home of Caledonia Elementary School, the Caledonia Police Department, and a fire

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1/ See *Parker & Port St. Joe R&O*, 11 FCC Rcd 1095, 1095 (¶ 4) (1996). The four allotment priorities are: i) one full-time aural reception service to a community; ii) a second full-time aural reception service to a community; iii) one local transmission service to a community; or iv) other public interest factors. *Id.* The second and third criteria have equal priority.

2/ See e.g., *Hannahs Mill and Milledgeville, Georgia*, 7 FCC Rcd 3944 (1992); *East Hemet, California*, 4 FCC Rcd 7895 (1989).

3/ See Bureau of the Census, 1990 Census of Population and Housing: Ohio at 54. The Census web site also lists Caledonia as a census-designated place for purposes of the 2000 Census. See, e.g., [http://quickfacts.census.gov/cgi-bin/cnty\\_QuickLinks?39101](http://quickfacts.census.gov/cgi-bin/cnty_QuickLinks?39101). Because the complete 2000 Census is not yet published, this petition will cite to both the 2000 and 1990 Census when the relevant information is available.

4/ See *supra* note 3. The 2000 Census website reports Caledonia's 2000 population as 578 persons.

5/ See Exhibit 1.

department. *Id.* Finally, Caledonia is not part of any urbanized area, and the principal community contour of a station operating on the proposed allotment at maximum facilities from the proposed reference coordinates will not encompass 50 percent of any urbanized area. Under Commission precedent, the presence of these civic, social and business organizations, and Caledonia's independence from any central city of an urbanized area confirm that Caledonia is a community deserving of its own aural transmission service.

The Commission's fourth allotment priority – other public interest factors – also weigh heavily in favor of the Proposal. As the attached Technical Statement demonstrates, *see Exhibit 2*, the proposed re-allotment will result in a net service gain of approximately 79,128 persons. 6/ In addition, the Proposal will not deprive any current community of license of its sole local transmission service. Upper Sandusky, the current community to which WYNT(FM) is assigned, will continue to be the community of license of WXML(FM), a noncommercial educational station that serves 100 percent of Upper Sandusky. 7/

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6/ The Proposal will enable WYNT(FM) to serve 123,347 persons. *See* Technical Statement at 5. Although the Proposal also will result in a loss in service to 26,172 persons, all loss-area residents will remain served by five or more aural services, and so will continue to be well-served. *See id.* at 5.


7/ Technical Statement at 4. *See, e.g., Oceanside and Encinitas, California*, Report and Order, 14 FCC Rcd 15302 (Allocations, 1999) (holding operation of noncommercial station in allotment's current community to constitute local transmission service); *Giddings and Buda, Texas*, Notice of Proposed Rule Making, 14 FCC Rcd 3561 (Allocations, 1999) (same). *See also Paonia and Olathe, Colorado*, 16 FCC Rcd 22109 (Allocations, 2001) (denying first local transmission preference because proposed community already was home to noncommercial FM station).

The attached Technical Statement demonstrates that the Proposal is consistent with the Commission's technical rules. A statement from Clear Channel affirming that it will apply for the allotment if changed as proposed also is attached.

For the foregoing reasons, the Commission should grant the Petition, issue an appropriate Notice of Proposed Rule Making, and approve the proposed modification in WYNT(FM)'s license under Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

**CLEAR CHANNEL  
BROADCASTING LICENSES, INC.**

By:   
Marissa G. Repp  
F. William LeBeau

HOGAN & HARTSON L.L.P.  
555 13th Street, N.W.  
Washington, DC 20004  
(202) 637-5600

Its Attorneys

May 14, 2000

**EXHIBIT 1**  
**(Community Information)**



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[Caledonia City Council](#)  
(419) 845-2713

110 Marion  
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[Caledonia City Mayor](#)  
(419) 845-2713

110 Marion  
Caledonia, OH [Map](#)

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**(800) 275-8777**128 S Main St  
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[Caledonia Baptist Temple](#)  
(419) 845-3628

1307 State Route 746 N  
**Caledonia, OH** [Map](#)

[Caledonia Memorial Um](#)  
(419) 845-3491

248 S Main St  
**Caledonia, OH** [Map](#)

[Caledonia Nazarene Church](#)  
(419) 383-3218

407 S Water St  
**Caledonia, OH** [Map](#)

[Canaan United Methodist](#)  
(419) 845-3505

2006 County Road 59  
**Caledonia, OH** [Map](#)

[Church Of Christ](#)  
(419) 845-2963

300 N Main  
**Caledonia, OH** [Map](#)

[Marion Salem United Methodist](#)  
(419) 947-5383

5666 Marion Edison Rd  
**Caledonia, OH** [Map](#)

[Martel United Methodist Church](#)  
(419) 845-3260

4190 Martel Rd  
**Caledonia, OH** [Map](#)

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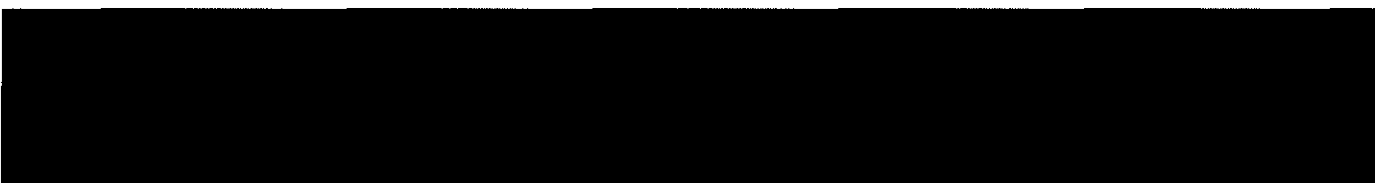
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M C Auto  
(419) 768-2527

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(419) 845-21372830 Caledonia Northern Rd  
**Caledonia, OH** [Map](#)**[Ron Gist Rv & Auto Sales](#)**  
(419) 389-2516169 G St  
**Caledonia, OH** [Map](#)**[Young's Service Ctr-Bp](#)**  
(740) 387-14981901 County Road 59  
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(419) 845-3737103 N Water St  
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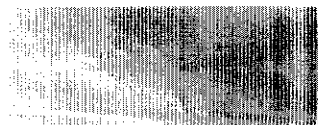
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(419) 845-3132110 E Marion St  
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First Consolidated Fire Dist  
(419) 845-3332

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**EXHIBIT 2**  
**(Technical Statement)**

TECHNICAL EXHIBIT

PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS

UPPER SANDUSKY, OHIO  
CALEDONIA, OHIO

Technical Narrative

This technical narrative and accompanying Figures have been prepared on behalf of station WYNT (FM), Upper Sandusky, Ohio, in support of a Petition for Rule Making to amend 47 C.F.R. Section 73.202(b) to reallocate channel 240 A (3 kw) at Upper Sandusky, Ohio to channel 240 A (full 6 kW class A) at Caledonia, Ohio.

As the requested change is mutually exclusive with the channel's current allotment, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the merits of this reallocation proposal:

- The community of Caledonia, Ohio (2000 Census population 578 persons) will be provided with its first local aural transmission service.
- The community of Upper Sandusky, Ohio (2000 Census population 6,553 persons) will continue to have local aural service from FM station WXML.
- The proposed channel 240A allotment site at Caledonia, Ohio satisfies the Commission's allocations spacing rules.<sup>1</sup>

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<sup>1</sup> Proposed allotment coordinates are 40° 35' 43" North, 83° 02' 59" West. See this Exhibit under the heading "Compliance With FCC Rules" for details on allocations considerations with respect to this site. Also see *Figure 1* accompanying this Exhibit for the allocations spacing study.



- The 60 dbu gain area associated with the proposed reallocation of channel 240 will encompass 105,300 persons, while the 60 dbu loss area will encompass 26,172 persons, for a net gain of 79,128 additional persons served within the WYNT 60 dbu service contour<sup>2</sup>.
- The channel 240 60 dbu loss area is well served by a number of radio services<sup>3</sup>.

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<sup>2</sup> See Figure 2.

<sup>3</sup> See Figures 3 and 4.

*Table of Figures Accompanying this Exhibit*

Figure 1	WYNT (FM) Channel 240A Allocations Spacing Study
Figure 2	WYNT (FM) Channel 240 60 dbu Gain and Loss Areas
Figure 3	Depiction of Services to WYNT 60 dbu loss area
Figure 4	Tabulation of Services to WYNT 60 dbu loss area
Figure 5	WYNT 240A 70 dbu Service to Caledonia, OH.
Figure 6	WXML (FM) 60 dbu and 70 dbu Service to Upper Sandusky, OH.

Proposed Change in the FM Table of Allotments

Upper Sandusky is located in Wyandotte County, Ohio, and has a 2000 U.S. Census population of 6,553 persons. Under this proposal, Upper Sandusky will continue to receive local aural radio service from WXML.

Caledonia, Ohio is located in Marion County, Ohio, and has a 2000 U.S. Census population of 578 persons. Caledonia has no local FM or AM aural broadcast service and, therefore, Petitioner's proposal would bring a first local aural broadcast service to Caledonia.

Accordingly, Petitioner requests modification of the FM allocation table as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Upper Sandusky, OH	240A	- <sup>4</sup>
Caledonia, OH	-	240A

Compliance With FCC Rules

The attached *Figure 1* is a tabulation of required separations pertinent to use of channel 240A at Caledonia, Ohio. The reference site complies with the Commission's minimum distance separations contained in Section 73.207 of the FCC's rules to all existing, authorized and proposed stations and allotments, except for the existing channel 240A allotment at Upper Sandusky, Ohio, for which this proposal is a mutually exclusive substitute.

Operation from the channel 240A reference site will provide the requisite city grade (70 dbu) signal to all of Caledonia.<sup>5</sup> *Figure 5* is a map which was developed using the 2000 U.S. Census Topologically Integrated Geographic Encoding and Referencing (TIGER) Line files which depicts the city grade coverage (70 dbu) contours based on class A facilities (ERP 6 kW/HAAT 100 meters) at the proposed allotment site. As shown, all (100%) of Caledonia is located within the 70 dBu City Grade contour. Caledonia is

<sup>4</sup> Non-commercial FM station WXML will remain serving Upper Sandusky, Ohio. As shown on *Figure 6*, WXML places a 70 dBu contour over all of Upper Sandusky.

<sup>5</sup> SEE *Figure 5* herein.

located 8.0 kilometers from the proposed WYNT channel 240A allotment site.

### Urbanized Area Considerations

The WYNT (FM) 240A 70 dbu contour currently encompasses no Urbanized Areas, nor will the proposed allotment encompass any Urbanized area<sup>6</sup>.

### 60 dbu Gain and Loss Areas

There are currently 44,217 persons residing within the WYNT (FM) channel 240A 60 dbu contour. There will be 123,345 persons residing within the proposed WYNT 240A 60 dbu contour. 18,045 persons currently residing within the WYNT A 60 dbu contour will continue to receive service under this proposal. 26,172 persons will lose service. 105,300 persons will gain new service within the proposed WYNT 60 dbu contour as a result of the proposed 240A operation at Caledonia, for a net aggregate gain of 79,128 persons. See *Figure 2*.

The 60 dbu loss area related to the reallocation of channel 240 is well served by many aural services. See *Figures 3 and 4*.

### Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of 47 C.F.R. Section 73.313, except that, in accordance with current FCC practice, uniform terrain was assumed in all directions.

### Population and Area

The population within the FM primary service contour (1 mV/m) was calculated using a computer program that utilizes the 2000 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid lies within each service area.

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<sup>6</sup> SEE *Figure 5*.

Conclusion

Channel 240A can be reallocated from Upper Sandusky, Ohio to channel 240A at Caledonia, Ohio, in compliance with all applicable Commission rules. The community of Caledonia, Ohio would be provided with a first local aural transmission service, and the community of Upper Sandusky, Ohio will continue to have local aural service. No service will be lost in any underserved area<sup>7</sup> and no new underserved areas will be created as a result of this proposal. Therefore, Petitioner requests the reallocation of channel 240 from Upper Sandusky, Ohio to Caledonia, Ohio be granted accordingly.

Respectfully submitted,



Stephen G. Davis  
Senior Vice President  
Clear Channel Broadcasting Licenses, Inc.

2625 South Memorial Drive, Suite A  
Tulsa, Oklahoma 74129  
(918) 664-4581

May 9, 2002

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<sup>7</sup> Defined as an area receiving service from less than five aural broadcast services. In the case of this proposal, the 60 dbu loss areas will continue to receive 60 dbu service from multiple sources, local and distant. SEE Figures 3 and 4.

Figure 1  
WYNT Caledonia, OH

REFERENCE  
40 35 43 N  
83 02 59 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 05-09-02  
SEARCH 05-09-02

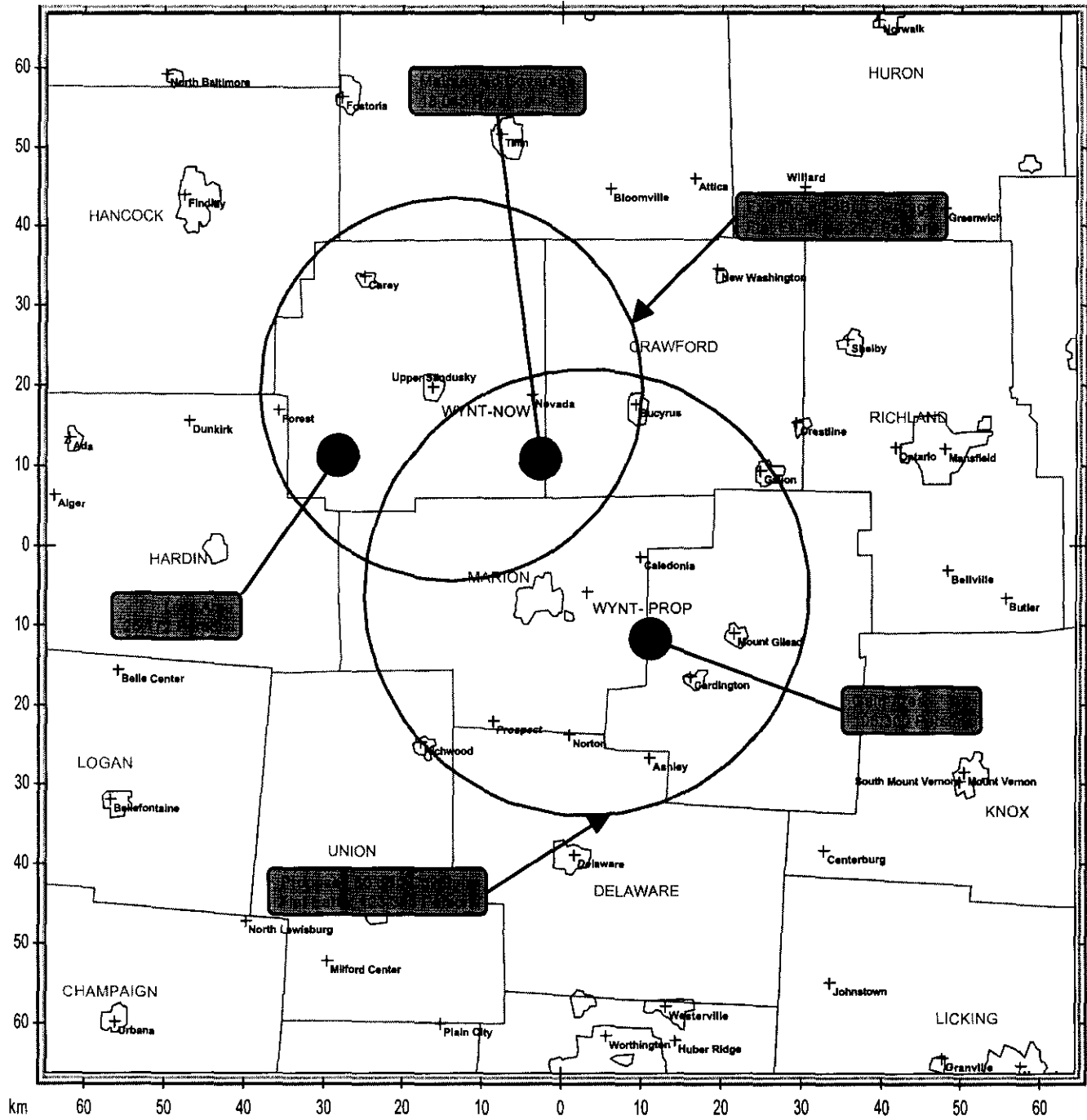
----- Channel 240 - 95.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WYNT	LIC 240A	Upper Sandusky	OH	30.69	326.4	115.0	-84.31 <sup>1</sup>
WLWQ	LIC 242B	Columbus	OH	69.33	178.5	69.0	0.33
WDPT	LIC 239B	Piqua	OH	113.59	248.6	113.0	0.59
WKTN	LIC 237A	Kenton	OH	44.06	277.4	31.0	13.06
WNPQ	LIC 240A	New Philadelphia	OH	131.84	89.4	115.0	16.84
WKFM	LIC 241A	Huron	OH	91.58	30.8	72.0	19.58
WIMX	LIC 239A	Gibsonburg	OH	102.17	342.5	72.0	30.17
WHOKFM	LIC 238B	Lancaster	OH	106.97	162.6	69.0	37.97
WLKRFM	LIC 237A	Norwalk	OH	82.93	23.3	31.0	51.93
WJKW	LIC 240A	Athens	OH	172.55	150.8	115.0	57.55
CFPLFM	OPE 240C1	London	ON	300.99	28.8	243.0	57.99
Proposed to Mexico as a B on 910207-Accepted by Mexico 910917							
WQLK	LIC 241B	Richmond	IN	178.46	244.6	113.0	65.46
WMTRFM	LIC 241A	Archbold	OH	143.33	318.7	72.0	71.33
WKLM.C	CP 237A	Millersburg	OH	102.84	96.5	31.0	71.84
WKLM	LIC 237A	Millersburg	OH	102.84	96.5	31.0	71.84
WAKS.C	CP 243B	Akron	OH	142.24	57.1	69.0	73.24

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<sup>1</sup> Existing licensed facility.

## 60 dbu Gain and Loss Areas



County Borders    State Borders    City Borders

[illegible]

 County Borders    
  State Borders    
  City Borders

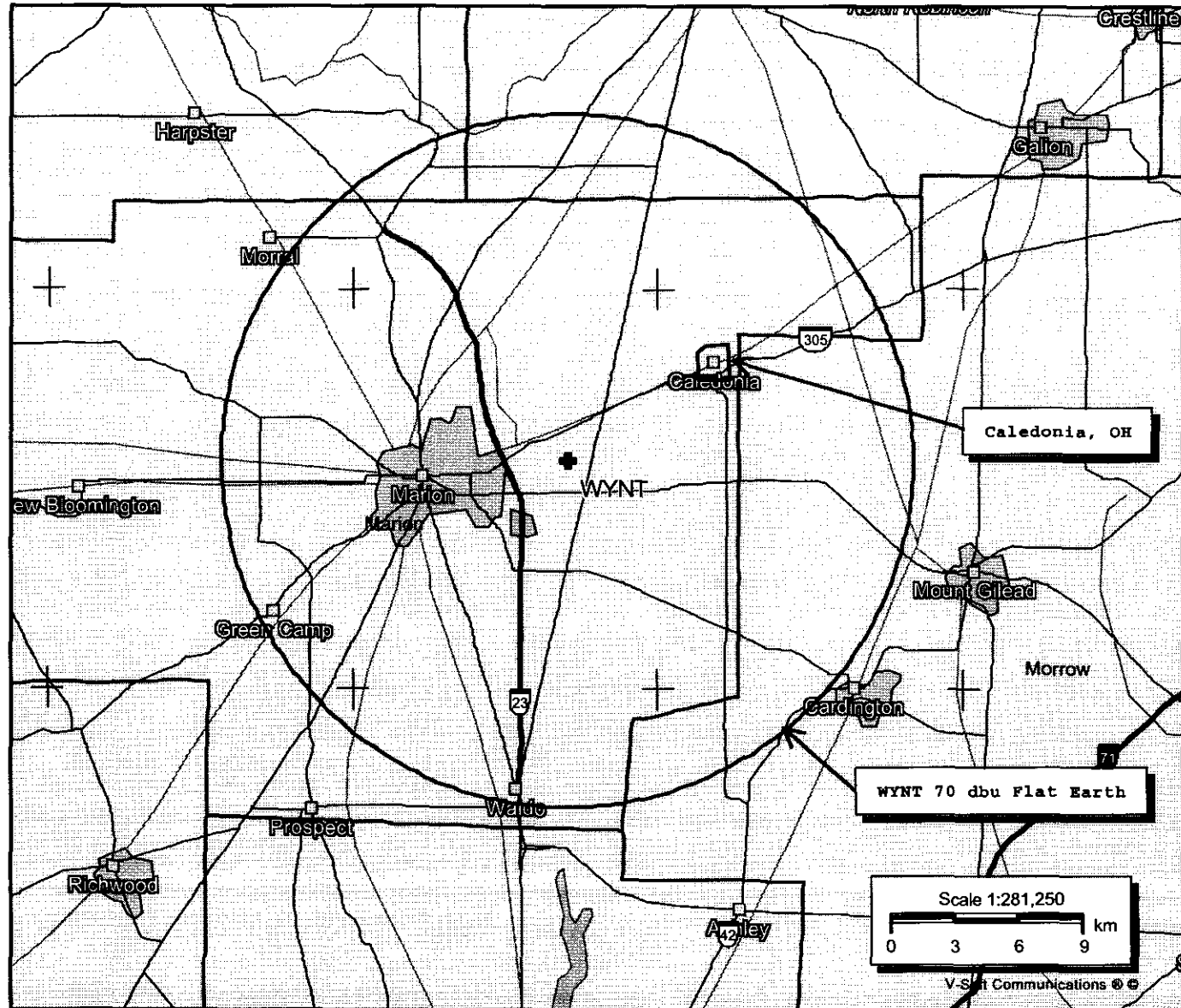


**Figure 4: Tabulation of Services to WYNT 60 dbu Loss Area**

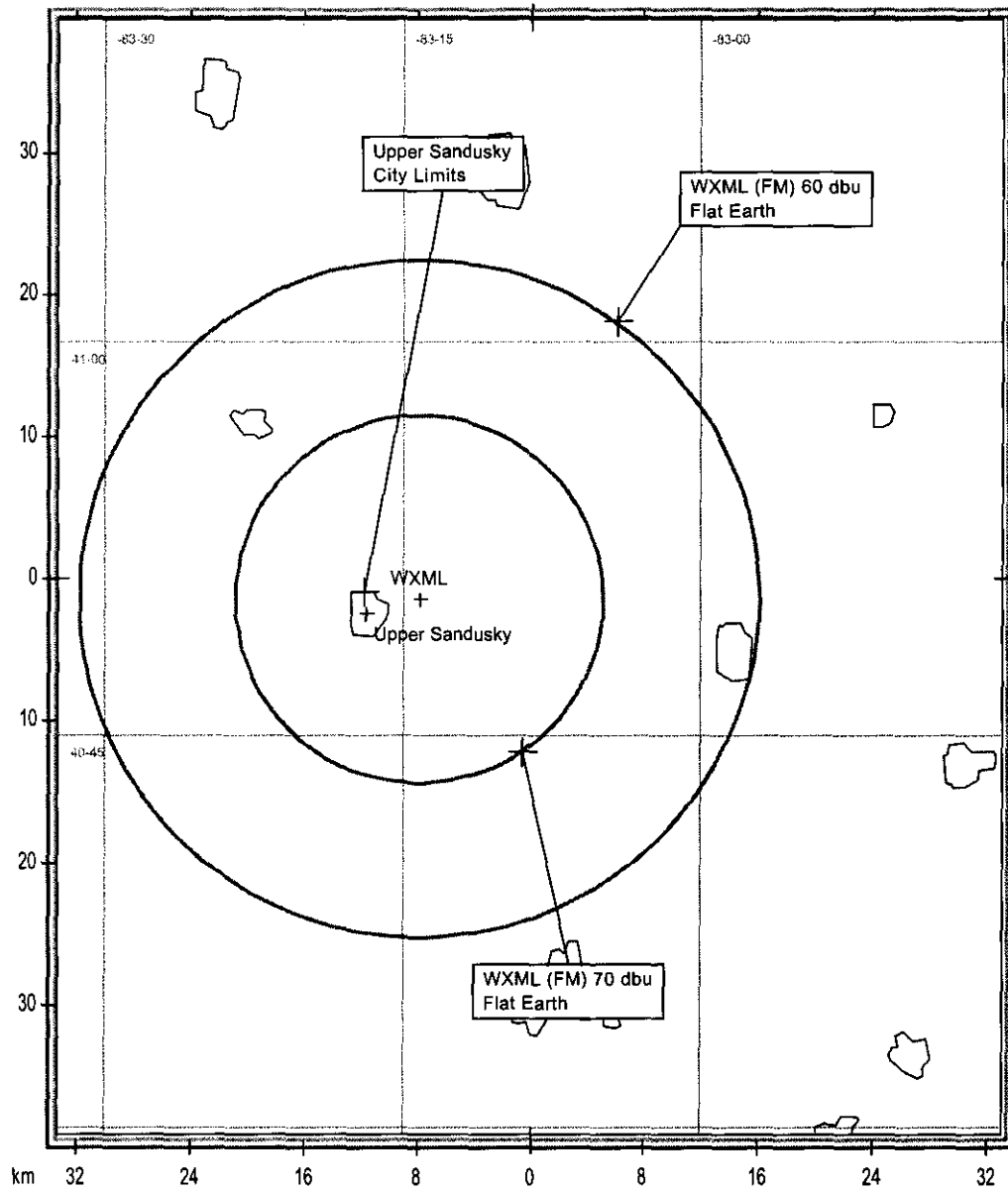
<u>Call Sign</u>	<u>State</u>	<u>City</u>	<u>Freq</u>	<u>Channel</u>	<u>ERP_w</u>	<u>Class</u>
WKTN	OH	KENTON	95.3	237	3500	A
WOSB	OH	MARION	91.1	216	6800	B1
WXML	OH	UPPER SANDUSKY	90.1	211	3000	A
WKXA-FM	OH	FINDLAY	100.5	263	20000	B
WDIF	OH	MARION	94.3	232	3000	A
WMRN-FM	OH	MARION	106.9	295	25000	B
WIMJ	OH	NORTH BALTIMORE	107.7	299	3000	A
WBVI	OH	FOSTORIA	96.7	244	3000	A
WCKY-FM	OH	TIFFIN	103.7	279	50000	B
WVNO-FM	OH	MANSFIELD	106.1	291	40000	B
WQEL	OH	BUCYRUS	92.7	224	3000	A
WYHT	OH	MANSFIELD	105.3	287	50000	B
WYXZ	OH	CRESTLINE	98.7	254	1800	A
WFXN	OH	GALION	102.3	272	3500	A
WMRN	OH	MARION	1490		1000	eē
WTTF	OH	TIFFIN	1600		500	
WFIN	OH	FINDLAY	1330		1000	
WBCO	OH	BUCYRUS	1540		500	

Figure 5  
Proposed 70 dbu Service to Caledonia, Ohio

**WYNT**  
BLH19861010KD  
Latitude: 40-35-43 N  
Longitude: 083-02-59 W  
Power: 6.00 kW  
Channel: 240  
Frequency: 95.9 MHz  
AMSL Height: 356.0 m  
Elevation: 244.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None



WXML 60 dbu and 70 dbu Coverage of Upper Sandusky, OH



Flat Earth Method

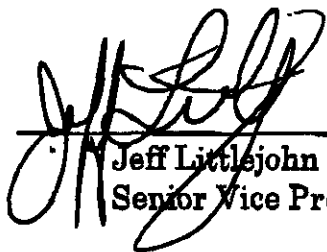
State Borders City Borders Lat/Lon Grid

**DECLARATION**

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President of Clear Channel Broadcasting Licenses, Inc. ("CCBL").
2. CCBL intends to apply for construction permit for Channel 240A at Caledonia, Ohio, upon adoption of the proposed rule making amending Section 73.202, Table of Allotments, FM Broadcast Stations (Upper Sandusky and Caledonia, Ohio).
3. If awarded the construction permit for Channel 240A at Caledonia, Ohio, CCBL will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jeff Littlejohn  
Senior Vice President

Executed this 13<sup>th</sup> day of May, 2002.